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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,526	08/29/2001	Paul R. Mort III	7472	7799

27752 7590 04/08/2005

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EXAMINER	
DOUYON, LORNA M	
ART UNIT	PAPER NUMBER
1751	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,526

Applicant(s)

MORT III ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is responsive to the amendment filed on November 22, 2004.
2. Applicant is again reminded to include in the first sentence of the specification, a specific reference to any prior provisional application, for example: "This application is a 371 of PCT/US--/----- which claims the benefit of provisional application 60/-----". In the present application, the national stage application claims benefit to two(2) provisional applications.
3. Claims 1, 3-7, 11-15 are pending.
4. The rejection of claim 8 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, is withdrawn in view of applicants' cancellation of this claim.
5. The rejection of claim 11 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
6. Claims 1, 3, 6-7, 11-13 and 15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Maden et al. (EP 0,353,976), hereinafter "Maden" for the reasons set forth in the previous office action.

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7. Claims 1, 3, 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop et al. (US Patent No. 4,783,281), hereinafter "Bishop" for the reasons set forth in the previous office action.

8. Claims 1, 3, 6-7, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al. (US Patent No. 4,923,628), hereinafter "Appel '628" for the reasons set forth in the previous office action.

9. Claims 1, 3-7, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al. (US Patent No. 6,069,124), hereinafter "Appel '124" for the reasons set forth in the previous office action.

Response to Arguments

10. Applicants' arguments filed November 22, 2004 have been fully considered but they are not persuasive.

With respect to the rejection based upon Maden, Applicants argue that Maden discloses coating the outside of an agglomerate with a layer of dessicant material so as to adsorb free water (se page 2, lines 21-22 and page 2, lines 50-52), whereas the claims of the instant application now include a particle coating comprised of a water soluble non-hydrating inorganic material.

The Examiner respectfully disagrees with the above argument because even though Maden teaches hydrating material, Maden also teaches, in page 2, lines 21-22, coating the

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outside of the agglomerate with sodium carbonate, which sodium carbonate is one of the non-hydrating material recited in claim 3 of the present application.

With respect to the rejection based upon Bishop, Applicants argue that Bishop discloses a spray dried detergent powder which incorporates sodium bicarbonate (see abstract) and Bishop does not suggest either expressly or implicitly utilizing a particle coating layer comprised of a water soluble non-hydrating inorganic material to coat a particle core comprising a detergent active material wherein the core is an agglomerate having a surface with irregularities and crevices.

The Examiner respectfully disagrees with the above argument because the sodium bicarbonate, which is postdosed to the spray-dried detergent powder, is a form of an alkali metal carbonate salt, which salt is one of the non-hydrating material recited in claim 3 of the present application.

With respect to the rejection based upon Appel '628, Applicants argue that Appel '628 utilizes powders which are hydrating powders (see col. 6, lines 16-30).

The Examiner respectfully disagrees with the above argument because in col. 3, lines 5-16, Appel teaches postdosing from 20 to 35% by weight of sodium sulfate (which is one of the non-hydrating inorganic material recited in claim 3 of the present application) to a spray dried base powder containing anionic surfactant and sodium carbonate.

With respect to the rejection based upon Appel '124, Applicants argue that Appel '124 teaches a granulate and a spray dried adjunct and fails to disclose a granulate having a surface with irregularities and crevices and a particle coating layer comprising a water-soluble, non-hydrating inorganic material which at least partially covers the layer.

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The Examiner respectfully disagrees with the above argument because in the abstract, Appel teaches a detergent composition comprising a mixture of a mechanically mixed granulate comprising synthetic surfactant material and builder like sodium carbonate and a spray-dried adjunct comprising inorganic material preferably Burkeite (sodium carbonate/sodium sulphate double salt). In Examples 11-13, Appel teaches mixing a mechanically mixed granulate comprising anionic surfactant and sodium carbonate (equivalent with particle core) with a Burkeite-containing spray dried adjunct (equivalent to the coating layer). Even though Appel does not explicitly disclose that the mechanically mixed granulate have irregularities or crevices, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the granulate of Appel to have surfaces with irregularities and crevices because mechanical mixing would have produced a product having such physical property and to reasonably expect the mixing of the spray dried Burkeite with the granulate to at least partially cover the granulate because such mixing would have partially coated the powder.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

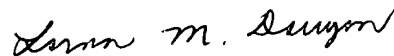
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon
Primary Examiner
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